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Attorneys for National Steel Car Limited

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NATIONAL STEEL CAR LIMITED, a
Canadian corporation,

Plaintiff,

v.

GREENBRIER-CONCARRIL LLC;
GREENBRIER LEASING COMPANY,
LLC; and GREENBRIER-GIMSA, LLC,

Defendants.

Case No. 3:20-cv-01275-YY

NATIONAL STEEL CAR LIMITED'S MOTION
TO STAY ENTRY OF JUDGMENT AND FOR
LEAVE TO FILE A MOTION FOR
RECONSIDERATION AND/OR
CLARIFICATION OF THE COURT'S NOV. 17,
2023 ORDER

Local Rule 7.1(a) Compliance

Pursuant to LR 7.1(a), counsel for Plaintiff National Steel Car Limited (“NSC”) has conferred with counsel for Defendants Greenbrier-Concarril LLC, Greenbrier Leasing Company, LLC, and Greenbrier-GIMSA, LLC (collectively “Greenbrier”). Greenbrier opposes NSC’s motion to stay entry of judgment and disagrees with the basis of NSC’s potential motion for reconsideration and/or clarification of the Court’s November 17, 2023 Opinion and Order.

MOTION

Plaintiff National Steel Car Limited (“NSC”) hereby respectfully moves the Court for an Order staying entry of judgment on the Court’s November 17, 2023 Opinion and Order and for leave to file a motion for reconsideration and/or clarification by December 8, 2023.

NSC proposes to stay entry of judgment to allow time for the Court to consider NSC’s motion for reconsideration and/or clarification. Due to scheduling conflicts, intervening holidays, and the large volume of the summary judgment record, NSC requests until December 8, 2023 to file its motion. NSC’s motion would request reconsideration and/or clarification of the Court’s grant of Greenbrier’s motion for summary judgment of non-infringement based on the existing construction of “at least one floor panel” and “deck.” Specifically, the Court found that “[t]he side post gusset of defendants’ accused car is not an extension of the ‘floor panel’ or ‘deck,’ as those terms are used in the patent and have been construed by the Court, and therefore defendants’ cars do not infringe plaintiff’s patents.” Court’s November 17, 2023 Opinion and Order (ECF 242, at 20). Staying entry of judgment pending resolution of NSC’s motion for reconsideration and/or clarification would serve the interests of justice and judicial economy without prejudice to either party.

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Here, NSC proposes that three weeks from the Court's November 17, 2023 opinion and order is a reasonable amount of time to stay entry of judgment to assess the circumstances, review a voluminous summary judgment record, and file a motion for reconsideration and/or clarification. This proposed stay is requested for good cause, and not for purposes of delay.

In light of the foregoing, NSC respectfully requests that the Court enter the proposed order below:

1. NSC's Motion to Stay Entry of Judgment of the Court's November 17, 2023 Opinion and Order is GRANTED.
2. NSC's Motion for Leave to File a Motion for Reconsideration and/or Clarification of the Court's November 17, 2023 Opinion and Order by December 8, 2023 is GRANTED.

November 21, 2023

Respectfully submitted,

/s/ C. Marie Eckert

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National Steel Car Limited

CERTIFICATE OF SERVICE

I hereby certify that I served NATIONAL STEEL CAR LIMITED'S MOTION TO
STAY ENTRY OF JUDGMENT AND FOR LEAVE TO FILE MOTION FOR
RECONSIDERATION on:

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by the following indicated methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☒ **E-mail (courtesy copy).**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Overnight courier, delivery prepaid.**

DATED: November 21, 2023.

/s/ C. Marie Eckert
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Of Attorneys for National Steel Car Limited